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Jun 30 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Daniel Coble, Circuit Court Judge  
L. Casey Manning, Circuit Court Judge

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Case No. 2019-CP-40-04452

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Anesthesiology Professionals of  
Columbia, LLC Respondent,

v.

Lifepoint Health d/b/a Providence  
Health and Providence Hospital LLC Appellants.

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NOTICE OF APPEAL

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The unusual nature of this matter requires this explanatory notice. Lifepoint Health d/b/a Providence Health and Providence Hospital LLC (“Appellants”) and Anesthesiology Professionals of Columbia, LLC, (“Respondent”) were involved in an arbitration that ended with the arbitrator concluding that neither party owed the other anything. Respondent then instituted a legal challenge by filing this action to vacate the arbitration decision, but did not serve a summons or petition for the action on Appellants.

Appellants were unaware of the legal challenge, and claims they were never told of it, never learned of it, and never were billed for it. The legal challenge action began with purported “accepted service” by counsel who had no engagement with Appellants to act in the legal challenge action, and who did not inform Appellants of the legal challenge action.

The legal challenge action resulted in an Order of the Circuit Court entitled “Proposed Order” (attached), purporting to vacate the arbitration result. A motion to reconsider was filed (again, unknown to Appellants) leading to another Order (attached), which directed that an attachment be placed with a final order by the clerk, which attachment was never so placed, and regarding which no one has ever received.

After the second above-referenced Order on the motion to reconsider (but not ever any order with attachment), and after the passage of more than 30 days thereafter, Appellants

learned for the first time about the legal challenge action, when they received a notice that an all new arbitration proceeding would allegedly need to occur as a result of the legal challenge action.

Appellants moved to dismiss (in essence set aside) the Orders of the Circuit Court vacating the first arbitration on grounds, inter alia, of lack of personal jurisdiction of Appellants. Appellants never were served with the legal challenge action (either a summons or petition) nor did they authorize any counsel to accept service for it in the legal challenge action. *See BB&T v. Taylor*, 369 S.C. 548, 633 S.E.2d 501 (2006)(default set aside on grounds of lack of personal jurisdiction). Appellants also requested in the alternative a ruling that the Order of the Circuit Court on the Motion to Reconsider be declared to be non-final because there had never been any final order sent out by the clerk with the attachment as ordered by the circuit court to occur. (Had this declaratory relief been ordered, then Judge Manning’s Orders could have been timely appealed).

On May 31, Judge Coble issued an Order (attached) denying Appellants’ motion.

Appellants hereby appeal the Order of the Honorable Daniel Coble dated May 31, 2023, denying Appellants’ Motion to Dismiss or in the Alternative to Enter Final Order filed June 10, 2022. Appellants received notice of the entry of the May 31 Order on June 22, 2023.<sup>1</sup> Appellants also appeal the related Orders of the Honorable L. Casey Manning, all attached hereto.

[Signatures Next Page]

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<sup>1</sup> The NEF for the May 31 Order incorrectly states that John Perry Bozeman, Tre Allen Holloway and J. Walker Coleman, IV, of K&L Gates, attorneys for Appellants, were electronically served with the May 31 order. None of those attorneys ever received a copy of the May 31 order by electronic means at their work email addresses from the Court or from any other person on May 31, 2023. The NEF states that attorney Jeffrey Stuart Patterson, also of K&L Gates and lead attorney for Appellants before Judge Coble, was not served electronically and needed to be served by “traditional means.” Attorney Patterson did not receive electronic notification on May 31, 2023 from the Court even though he had previously received electronic notifications of filings in the matter (the reason for now stating he must be served otherwise is unknown) and he was never served by any other means. Attorney Patterson discovered the filing of the May 31 Order on his own on June 22, 2023, while personally checking the public docket for the matter because of the long passage of time since the entry of the Form 4 order and the submission of proposed orders by the parties to Judge Coble.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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June 30, 2023

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ATTORNEYS FOR RESPONDENT

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Case No. 2019-CP-40-04452

Anesthesiology Professionals of Columbia, LLC,..... Respondent,

v.

Lifepoint Health d/b/a Providence Health and Providence  
Hospital, LLC,..... Appellants.

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PROOF OF SERVICE

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I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Lifepoint Health d/b/a Providence Health and Providence Hospital, LLC, hereby certify that I have served all counsel in this action with a copy of the pleading(s) specified below by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

Pleadings:                    Notice of Appeal

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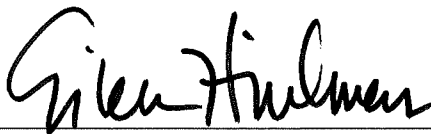
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*Attorneys for Appellants*



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Eileen Hindman  
Administrative Assistant

6/30

, 2023

## Eileen Hindman

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**From:** Eileen Hindman  
**Sent:** Friday, June 30, 2023 12:17 PM  
**To:** 'mfox@griffindavislaw.com'; 'jgriffin@griffindavislaw.com';  
'walker.coleman@klgates.com'; 'Tre.Holloway@klgates.com';  
'jeffrey.patterson@klgates.com'; 'estuckey@mcgowanhood.com'; Bill Wood; Mitch  
Brown  
**Subject:** Lifepoint Health et al. v. Anesthesiology Professionals of Columbia LLC -  
2019CP4004452  
**Attachments:** 2023.06.30 Notice of Appeal with exhibits (Lifepoint).pdf; 2023.06.30 Proof of Service  
(Lifepoint).pdf

Good afternoon,

Attached for service upon you in the above matter is a Notice of Appeal with exhibits and Proof of Service.

Thank you,



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